

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

<b>ALLIE THOMAS CHESTER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-22-477-G</b>
	)	
<b>CITY OF ALTUS et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

Plaintiff Allie Thomas Chester, appearing pro se, alleges deprivations of his constitutional rights against multiple defendants pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1), the matter was referred to Magistrate Judge Gary M. Purcell for initial proceedings.

On July 19, 2023, Judge Purcell issued a Second Supplemental Report and Recommendation (“Second Suppl. R. & R.,” Doc. No. 65), in which he recommended that certain of the claims and one defendant be dismissed without prejudice. In the Second Supplemental R. & R., Judge Purcell advised Plaintiff of his right to object by August 8, 2023. Judge Purcell also advised that a failure to timely object would constitute a waiver of the right to appellate review of the factual findings and legal conclusions contained in the Second Supplemental R. & R. *See id.* at 16.

As of this date, Plaintiff has not objected to the Second Supplemental R. & R. or sought an extension of time to do so.

## CONCLUSION

Accordingly, the Second Supplemental Report and Recommendation (Doc. No. 65) is ADOPTED in its entirety. The following are DISMISSED WITHOUT PREJUDICE:

- All claims against Defendant City of Altus;
- Plaintiff's Fourth Amendment claim relating to the state-court probable cause affidavit; and
- Plaintiff's Eighth Amendment claim regarding the State's failure to sentence him to drug rehabilitation.

This action remains referred to Judge Purcell in accordance with the initial referral order.

IT IS SO ORDERED this 18th day of August, 2023.

  
CHARLES B. GOODWIN  
United States District Judge